



**Legal Aid
Society**
of Northeastern
New York, Inc.

55 Colvin Avenue, Albany, New York 12206
(518) 462-6765 • (800) 462-2922 • Fax (518) 427-8352

*This office serves Albany, Columbia, Greene, Rensselaer and
Schenectady Counties*

Jeffrey S. Baker
President

Lillian M. Moy
Executive Director

Peter D. Racette
Deputy Director

Wendy Wahlberg
Deputy Director

May 24, 2007

Guy Lescault, Program Counsel
Office of Program Performance
Legal Services Corporation
3333 K Street, NW
Washington, DC 20007

Dear Guy:

Enclosed please find our 2007 PAI Plan and budget. Please let me know if you have any questions.

Sincerely yours,

Lillian M. Moy
Executive Director

LMM:mm
Enclosures

cc: Iffat Nawaz, Office of Program Performance, LSC ✓
Jeffrey S. Baker, President, LASNNY Board of Directors
Brenda Bertram
Rebecca Buchanan
Kristie Cinelli
Linda LaRue
Peter Racette
Wendy Wahlberg
Mary Withington

LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK

PAI PLAN -- 2007

Private attorney involvement is a means of expanding legal assistance and representation to poor people by utilizing private attorneys. Through private attorney involvement, we increase program resources available to our client community and enhance the relationship between LASNNY and the private Bar. Working with the Legal Aid Society and our clients in a variety of programs and projects sensitizes private attorneys to the legal needs of the poor and brings long-term benefits to the cause of Equal Justice.

The Legal Aid Society of Northeastern New York (LASNNY) is involved with private attorneys in a number of ways. Our leading project is the Private Attorney Involvement (PAI) Referral Program, a system of pro bono referrals to a panel of pro bono volunteers.

The PAI Referral Program contains the following elements:

- A. Delivery System;
- B. Staffing and organizational structure;
- C. Recruitment of private attorneys for PAI referral panel;
- D. Intake and referral of cases to PAI referral panel;
- E. Placement of the cases with PAI referral panelists;
- F. Follow-up and closure;
- G. Quality control;
- H. Support services;
- I. Removal of inactive PAI referral panelists;
- J. Administration;

Other Private Attorney Involvement Programs:

- K. Pro Bono Divorce Project (PBDP)
- L. Pro Se Divorce Clinics
- M. Pro Bono by Albany Law School Students
- N. Ask-A-Lawyer Clinics
- O. Other Private Attorney Involvement Projects
- P. Budget for the PAI Referral Program and other Private Attorney Involvement
- Q. LSC Requirements.
- R. Other Matters

PAI REFERRAL PROGRAM

A. Delivery System

The Private Attorney Involvement (PAI) Referral Program is a pro bono system of delivery of services, not a compensated plan. Private attorneys who accept PAI referrals from LASNNY establish attorney-client relationships with the referred applicants, determine the legal merits of the clients' cases, and then provide the appropriate legal representation to resolve the case/legal issue without charge to the clients and without payment by LASNNY to the attorneys for the legal services. Applicants for PAI referrals are asked to sign the attached "Application for Referral", which clarifies our role as a referral agency, not a representative. In addition to PAI referrals from LASNNY, we are also involved with the private bar in a number of different projects: the Pro Bono Divorce Project (PBDP), various Pro Se Divorce Clinics and various domestic violence

projects. In early 2007, the Legal Aid Society of Northeastern New York was re-accredited as a Pro Bono CLE provider by the Office of Court Administration.

B. Staffing and Organizational Structure

PAI is directed by the Executive Director, with support from the Deputy Directors and supervising or staff attorneys with relevant expertise. Working under the Director's supervision are the Deputy Directors and the PAI Paralegal in the Albany office. The Deputy Director in Plattsburgh supervises the part-time PAI Paralegals in the Canton and Plattsburgh offices. The Deputy Director oversees PAI operations out of the Amsterdam office. The PAI Paralegal in Albany makes referrals of cases from our Amsterdam, Saratoga Springs and Albany offices. An Albany supervising attorney directs and staffs the Pro Bono Divorce Project and supervises the paralegal and legal secretary who work in this project on a part-time basis. The Saratoga Springs Supervising Attorney supervises referral of matrimonials in the PBDP for Saratoga County.

The Executive Director oversees the program, develops and implements recruitment, plans intake and referral, coordinates advice to panelists by LASNNY staff with relevant expertise, trouble shoots, evaluates the program and makes plans for improvement -- all in conjunction with the PAI Paralegals, Deputy Directors and Supervising Attorneys responsible for PAI projects. The Deputy Directors perform the Executive Director's functions in her absence.

The full and part-time PAI Paralegals take the cases referred to them by other staff, usually intake staff, interview the clients to obtain necessary additional facts and to explain the referral process and, if possible, place the case with a private attorney. This last step, though stated simply, can be hard because we strive to find an attorney who will be appropriate for the case (knowledgeable in the area of law, likely to be reasonably compatible with the client, geographically convenient, and committed to the successful resolution of that case). Placement is not simply a matter of pulling the name of the attorney whose turn is next.

The PAI Paralegals administer the program and also perform the necessary support responsibilities for a PAI referral. In limited instances, the PAI Paralegals do their own intake (bankruptcies, some divorces). PAI intake is performed by Amsterdam staff assigned on a part-time basis to the pro bono program.

Several other staff may be involved with PAI:

- Receptionists and legal secretaries (in every office) who identify potential cases during intake and refer those cases to PAI.
- Intake attorneys and paralegals and other legal staff in every office who currently do PAI screening and referral as part of their duties on intake.
- The Deputy Director in the Albany office, who supervises the Albany and Amsterdam receptionists, and Albany intake and supervisory staff.
- The Deputy Director in the Plattsburgh office, who supervises the receptionists and other intake staff in the Canton and Plattsburgh offices.
- The Supervising Attorney of the Saratoga office who, in addition to screening and referral, works with

the Director to develop the PAI program in Saratoga, Warren and Washington Counties, directs the PBDP in Saratoga County, teaches some of the pro se divorce clinics, and generally oversees the use of the program by the Saratoga office.

- The Supervising Attorney in the Albany office who directs the Pro Bono Divorce Project, and legal and support staff who help implement this project and who teaches some of the pro se divorce clinics.
- The Chief Fiscal Director and/or Accounting Assistant, who do the fiscal accounting, payment of accounts payable, budget analysis and similar duties.

C. Recruitment of Private Attorneys

The Pro Bono Committee of the LASNNY Board of Directors, together with the Executive Director and PAI staff, monitor our private attorney involvement including the PAI referral program and its periodic recruitment campaigns. The Executive Director and other legal staff regularly attend local bar events as recruitment is also an ongoing informal process. Participation in local bar activities, e.g., Association meetings or special events such as Law Day, enhance our opportunities to recruit new PAI volunteers as well.

Recruitment efforts usually involve the following:

- Public recognition of the contributions of panelists through awards and publicity.
- Solicitation by mail, e-mail or in-person of the members of the private Bar.
- Personal solicitation by a LASNNY staff or by a team of specified lawyers and law firms who are supportive.
- Inclusion of updates to our PAI Program in the Private Attorney Involvement Matters section of our newsletter, Legal Aid Matters (copy attached).
- Use of the media to publicize the program and the recruitment effort.
- Free training and CLE in return for accepting a pro bono case.
- Collaboration with other local providers to jointly recruit and recognize pro bono attorneys.

Additionally, the Saratoga County Bar Association continues to invite each new member to volunteer for the PAI referral panel on their membership application.

An attorney who is interested is contacted by the Executive Director or one of the PAI Paralegals and is sent a registration form to ascertain the kinds and numbers of cases the attorney wants to take. Our PAI Registration Form is attached. The new panelist is then ready to receive cases.

Early in 2007, the Legal Aid Society of Northeastern New York was re-accredited as a Pro Bono CLE provider under the Office of Court Administration regulations on awarding CLE to pro bono attorneys. Attorneys may earn up to 6 CLE credits, one credit for every five hours of pro bono work for an IOLA eligible

client.

In 2004 the Legal Aid Society worked with other local providers, including the Legal Project of the Capital District Women's Bar Association, the Albany County Bar Association and the New York State Bar Association, held a Pro Bono Conference especially aimed at mid to small sized local firms. The Conference promoted adoption of a written Pro Bono Policy, publicized particular pro bono projects and promoted pro bono work in general. This year, LASNNY's Executive Director will again work with the directors of The Legal Project, the Albany County Bar Association and the Pro Bono Coordinator of the New York State Bar Association, along with Administrative Judge for the Third Judicial District to host a Pro Bono Expo. The Judge has invited local attorneys to a reception and brief CLE aimed at promoting pro bono work. The LASNNY Director will work with other providers and the Administrative Judge for the Fourth Judicial District as well.

D. Intake and Referral of Cases to PAI

Currently, most PAI referrals arise out of our intake system (from either our specialized intake staff or other advocates on intake). In Albany, the PAI Paralegal does limited direct intake for bankruptcies and some divorce cases (pro se clinic cases). The PAI Paralegal in Albany is charged with referrals for the Albany, Amsterdam and Saratoga Springs offices.

E. Placement of the Cases with Panelists

As noted, placement is custom-tailored to the needs of the case. The appropriate attorney is chosen based on the Paralegals' knowledge of the panelists' preferences and responsiveness as demonstrated by the registration form, our experience with the members of the panel and the availability of a particular volunteer.

Generally, the process itself consists of:

- (1) Opening of a case file for each matter referred to PAI;
- (2) Obtaining a signed Application for Referral from the client;
- (3) If necessary, an additional interview with the client, usually by phone;
- (4) Resolution of any problems with eligibility;
- (5) In Canton and Plattsburgh, collection of the bankruptcy filing fee is accomplished in order to enhance the likelihood of referral of a bankruptcy case;
- (6) Assessment of attorneys on the panel who may be appropriate;
- (7) Contact with those attorneys until one is found who will agree to interview the client and who seems like a good choice to us;
- (8) Written confirmation to both attorney and client including a Certificate of Indigency if necessary to cover court costs;

- (9) Contact with the attorney to ascertain whether the case was accepted or not; and
- (10) If not accepted, recommencement of the cycle until the case is placed or closed as not referable.
- (11) Appropriate periodic follow-up with attorney and client.

In the Canton and Plattsburgh offices, LASNNY accepts filing fees from clients for bankruptcy matters. These funds are deposited into a disbursement account, and ultimately sent to the PAI attorney who agreed to handle the client's bankruptcy. Collecting and disbursing the bankruptcy filing fee is necessary to facilitate the placement of bankruptcy cases in this part of our service area.

All PAI Paralegals utilize our TIME software program and computer record keeping. The pro bono database allows our PAI staff to search for attorneys by geographic location and area of specialization. Records of PAI cases accepted are maintained in each attorney's database. To facilitate the processing of files, form letters for PAI panelists and clients whose cases are referred are generated using the TIME database. TIME also has a tickler in order to allow our PAI Paralegals to flag deadlines as necessary.

F. Follow-Up and Closure

The record of PAI cases is kept up-to-date by the PAI Paralegals who also periodically contact a PAI attorney about the status of a given case (See the Disposition/Affirmation of Pro Bono Services form, attached hereto). When we do not hear from the attorney, we contact the client to find out if the case is resolved, or not. If necessary, we follow up with the Court where the case is pending to ascertain the final disposition.

Support is provided to the panelists in various ways. For example, consultation with LASNNY legal staff with relevant experience, co-counseling with LASNNY attorneys, use of our library, use of LASNNY manuals and other research materials regarding particular issues of law, access to support centers, and training.

When the case is closed, the panelist will tell us on the form sent to the panelist for such purpose (Disposition/Affirmation of Pro Bono Services Form -- attached). The Paralegals then:

- (1) Confirm the closure and nature of disposition with the client;
- (2) Obtain the record of time spent;
- (3) Send a client satisfaction questionnaire;

(4) See to it that the panelist is reimbursed for out-of-pocket expenses, such as process server fees, requests for records, copies of records, postage. Any court costs will be waived pursuant to CPLR, Section 1101(e). The PAI paralegal will prepare a certificate pursuant to Section 1101(e) and supply it with the referral paperwork. The Certificate should then be filed with the Court. If a volunteer has any question as to whether or not a disbursement is reimbursable, he or she should contact the PAI paralegal;

- (5) Make the appropriate entries in the TIME database; and
- (6) Issue a Letter of Participation if appropriate for CLE credit.

In both the routine placement and follow-up and closure of PAI cases, the PAI staff utilize computer generated forms and the TIME database as much as possible to achieve greater efficiencies. Use of the computer to manage our client and lawyer data, as well as computer generated forms and letters, allows us to handle a large volume of PAI referrals.

G. Quality Control

LASNNY does not attempt to review the work done by the PAI attorney. We assume that each attorney who accepts a referral will do his or her best for that client.

We do want to know:

- That the case is still pending, or its current status.
- That the problem has been resolved.
- What the client feels about the attorney's handling of the case.

Appropriate, timely and consistent contacts with the PAI attorney and client enable us to obtain this information. We follow up on issues raised by either the attorney or client and always send a Client Satisfaction Questionnaire at case completion to the PAI volunteer.

If an attorney establishes a pattern of lax handling of cases or other inappropriate conduct, we stop referring cases to that attorney.

H. Support Services

LASNNY helps to assure high quality representation by offering a variety of support services without charge to PAI attorneys:

(1) Training events in major areas of poverty law that are not only relevant to cases referred by LASNNY but may be applicable to the PAI attorneys' own private practices. In the past, training has been in consumer, family/domestic violence, disability and housing law;

(2) Consultation with our legal staff who are experts in various areas of law;

(3) Assistance with occasional legal research;

(4) Referral to appropriate community agencies or other experts such as the staff of GULP or other legal services agencies;

(5) Arrange mentoring by LASNNY staff or other PAI panelists; and

(6) Reimbursement of out-of-pocket costs incurred by the private attorney on the PAI cases

(7) Assistance with language interpretation or translation if needed.

(8) CLE for pro bono work for direct client services, portions of the Pro Bono Divorce Project and pro

se clinics.

I. Removal of Inactive Panelists

The PAI Paralegals track calls to and responses from panelists. When a panelist declines a number of referrals or fails to respond to our calls, the Paralegals remove their names to the inactive list. The Saratoga County Bar Association has requested that when a panelist from Saratoga County is removed due to inactivity, the Bar Association will be notified. All members of the Saratoga County Bar Association are automatically members of the PAI referral panel, so the Association has a particular interest in the ongoing success of the PAI Plan in Saratoga County.

J. Administration

The Executive Director, Deputy Directors and PAI Paralegals administer the PAI referral program, including such tasks as:

- Preparation of statistical reports.
- Liaison to other LASNNY staff.
- Liaison to the organized Bar.
- Budget oversight and assurance we will meet our LSC obligations.
- Improvement of PAI practices and procedures.
- Recruitment and recognition.
- Development of PAI policies.
- Implementation of CLE rule, including necessary recordkeeping and reports.

OTHER PRIVATE ATTORNEY INVOLVEMENT

K. Pro Bono Divorce Project

Because of limited resources, LASNNY does not take divorce cases. Exceptions are sometimes made for persons who are victims of domestic violence by their spouses, or who are eligible for the Assigned Counsel Program described below. Our Pro Bono Divorce Project (PBDP) consists of a variety of mandatory and voluntary pro bono programs to provide free matrimonial representation. In Albany and Rensselaer Counties, the Assigned Counsel Program (ACP) was established by the Administrative Judge of the Third Judicial District. For our part LASNNY:

- (1) Does intake of prospective or existing divorce plaintiffs or defendants;
- (2) Determines financial eligibility;
- (3) Determines preliminarily that the person has a meritorious case;
- (4) In a clinic setting, helps explain and prepare pro se motion papers reciting allegations regarding poverty status, jurisdiction, residency and grounds;
- (5) Reviews the papers before transmittal to the Supreme Court and has a LASNNY attorney file a

certification with the Court;

- (6) Transmits the applicant's papers to the Supreme Court in Albany or Rensselaer County for granting of in forma pauperis status and assignment of counsel from among a list of private attorneys with experience in divorce cases;
- (7) Serves the order of assignment and supporting papers to the client and the assigned lawyer who represents the client on a pro bono basis; notifies the lawyer about the availability of CLE credits;
- (8) Conducts periodic follow-up with the client and/or attorney to check on the status of the case;
- (9) Ascertains the final disposition of the case from the client, attorney or available court records;
- (10) Closes the Legal Aid case file with appropriate documents.

PAI attorneys who are representing Legal Aid clients in family court matters may opt to also provide representation in a divorce and receive credit for an assignment under the ACP. The Legal Aid Society also processes similar credits for volunteers from the Schenectady County Bar Association and the Legal Project of the Capital District Women's Bar Association.

In 2006, a new statute was passed authorizing billing for custody work in matrimonials for low income people. LASNNY has recently obtained the approval of our Administrative Judge to allow attorneys handling mandatory pro bono matrimonials to bill for custody work pursuant to this statute. All remaining matrimonial work will be done on a pro bono basis.

We have also expanded the PBDP on a voluntary basis to Schenectady County under the auspices of the Schenectady County Bar Association and the YWCA of Schenectady, Inc. LASNNY screens for eligibility according to the client's income and for merit (e.g., grounds). PAI staff then prepare a Certification of Indigency, advise the client that grounds for a divorce exist and refer clients to a liaison appointed by the Schenectady County Bar Association. The case is then closed as an advice-only matter. The Bar liaison accepts referrals and makes the assignment to pro bono attorneys. The Chair of the Schenectady County Bar Association Pro Bono Matrimonial Committee received the 1998 New York State Bar Association President's Award for his work on this voluntary project. A Pro Se Clinic volunteer also received the President's Award a few years later. The Pro Se Divorce Clinic also continues as a dynamic delivery vehicle serving about 50 pro se clients per year. In Canton, clients seeking divorce representation will be screened for possible referral to a new pro se divorce clinic operated by our Canton PAI Paralegal with a PAI attorney. Divorce defendants can receive advice or other services through the regular intake system.

Previously, the Saratoga County Bar Association administered a pro bono referral program for clients referred by the Legal Aid Society. In 1998, with the full cooperation of the Saratoga County Bar Association, we assumed responsibility for referring divorce cases to the local lawyers. The LASNNY office in Saratoga Springs screens clients for eligibility according to income and merits. Our PAI Paralegal will then make referrals to members of the local bar. The Supervising Attorney of our Saratoga Springs office chairs the Saratoga County Bar Association's Pro Bono Committee.

The PBDP is administered by a supervising attorney in Albany, who is assisted by a senior paralegal, the

PAI Paralegal and a legal secretary. In Saratoga Springs, screening and referral is done by the intake attorney, supervising attorney and legal secretary.

In Canton and Plattsburgh, screening and referral is done by the PAI Paralegals working under the supervision of the Deputy Director.

L. Pro Se Divorce Clinics

In Albany, Schenectady, Rensselaer, Columbia and Greene Counties, we work with local Bar Associations in different capacities to implement Pro Se Divorce Clinics. In Albany County, the Albany County Bar Association (ACBA) offers free pro se divorce assistance to low-income individuals. The Legal Aid Society screens and refers clients with simple, uncontested divorces to the ACBA. In Schenectady, the clinic is jointly sponsored by the Pro Bono Matrimonial Committee of the Schenectady County Bar Association, the YWCA of Schenectady, Inc. and LASNNY. We staff the pro se divorce clinics in Columbia, Green, Rensselaer and St. Lawrence Counties, but a member of our PAI panel often co-teaches the Clinic. We have tailored our role in the implementation of these clinics according to the plans and desires of each County Bar association.

M. Pro Bono Society of Albany Law School

LASNNY works with other local providers and the founded Pro Bono Society at Albany Law School to offer appropriate pro bono opportunities to local law students. In the last year, Pro Bono Society members have assisted LASNNY attorneys with landlord/tenant research and made their research services available to PAI volunteers through the new Free Private Attorney Support Services (PASS) Program.

N. Ask-A-Lawyer Clinics

In Saratoga Springs, PAI volunteers staff a monthly Ask-A-Lawyer Clinic at the local domestic violence service provider, Domestic Violence and Rape Crisis Services of Saratoga County (DVRC). The PAI paralegal staffs the clinic at the DVRC.

O. Other Private Attorney Involvement

We provide training for pro bono attorneys to represent domestic violence victims. In the past we have co-sponsored events with the Legal Project of the Capital District Women's Bar Association, the Empire Justice Center (EJC), the Rural Law Center and the Albany County Bar Association. We will offer similar events, either with formal co-sponsorship or after informal consultation on topics and dates. Through the Domestic Violence Legal Training Coalition (DVLTC), the Legal Aid Society and The Legal Project of the Capital District Women's Bar Association co-sponsor, and jointly recruit pro bono attorneys to serve victims of domestic violence in our service area. A series of three events will be offered in 2007 by the DVLTC. In 2007, the Society again delivered a unique Family Court Trial Skills Training which is being offered to pro bono volunteers and legal services staff.

In 2007, LASNNY will offer one "Best Practices in Matrimonial Proceedings" funded by our Legal Assistance to Victims (LAV) grant from the U.S. Department of Justice. At this training, local judges and practitioners will train on how to provide effective representation in a matrimonial proceeding. These trainings will be free to local lawyers who agree to accept a pro bono case for a victim of domestic violence referred by

LASNNY. These trainings are co-sponsored by our LAV partner, the Rural Law Center, who provides CLE credits for participants.

In addition to the varied private attorney involvement described above, the Legal Aid Society maintains a small Board Pro Bono Committee to initiate ideas, cooperate with Bar Associations, monitor developments in the varied components of our private attorney involvement, and call upon or report to the LASNNY Board as necessary. We work closely with the local Bar associations in our service area to promote strong voluntary efforts. To that end, we have co-sponsored trainings designed to recruit for both our PAI program, as well as local Bar association efforts. Our supervising attorney in the Saratoga Springs office, and the Executive Director are members of the Saratoga County Bar Association Pro Bono Committee. The Deputy Director in our Plattsburgh office is a Past President of the Clinton County Bar Association. The supervising attorney and PAI Paralegal in the Albany office are the moving forces behind the Pro Se Divorce Clinics in Columbia, Greene and Rensselaer Counties. Our local Bar associations have been supportive of the Legal Aid Society's need for sufficient resources to continue to administer its PAI referral program, other projects involving the private bar, and provide other direct services to low-income clients.

P. Budget For PAI Referral Programs and Other Projects

LSC requires LASNNY and other field programs to spend an amount equivalent to 12.5% of its LSC grant on private attorney involvement. LASNNY budgets direct costs to the PAI referral program and other private attorney involvement projects. Direct costs include such items as:

- the salaries and fringe benefits of staff doing private attorney involvement work.
- reimbursement of expenses incurred by PAI panelists on our cases.
- PAI/PBDP training.
- PAI recruitment.
- PAI communications, including a portion of Legal Aid Matters
- PAI recognition
- Attendance of staff at relevant conferences such as meetings of the New York State Pro Bono Coordinators Network, the ABA/NLADA Equal Justice Conference and other important pro bono training events.

In addition, LASNNY budgets indirect private attorney involvement costs, such as:

- that proportion of rent, utilities and other space costs that are attributable to the proportion of space used by staff when working on PAI or another private attorney involvement project.
- the share of office supplies and equipment used by staff when working on PAI or other private attorney involvement project.
- a pro rata share of our library subscriptions.
- a pro rata share of our audit expense.

The funds spent on PAI each year are audited as part of our regular annual audit and are included in the

audited financial statement.

Q. LSC Requirements

The Legal Services Corporation (LSC) Regulation 1614.4 mandates that field programs develop and submit to LSC a PAI plan and budget. Each requirement is cited to the relevant section of LSC Reg. 1614.

1614.1(a) Projection of Funds Used and Cases Closed -- In 2007 LASNNY projects that it will spend about \$180,091 directly on PAI. We expect that such funds will largely be paid from LSC funds. We had no PAI carryover.

Case closings are beyond our control since they depend, in large part, on notification from the PAI attorneys. Nevertheless, based on the demands of the CSR Handbook, staff turnover and the limited PAI staff, we project that about 378 private attorney involvement cases will be closed in 2007. This includes projected closings for the PAI referral program, PBDP and PAI-related pro se divorce clinics.

1614.1(c). Market Value -- When closing a case, a PAI attorney is asked to notify us of the number of hours s/he spent working on the case. We then multiply those hours by \$150 per hour, the average hourly rate estimated for our service area, assuming a range of experience. We can then compare that market value in the aggregate to our PAI costs. We believe that the latter is always substantially less than the former.

1614.1(e). Compensation to Ex-Staff Attorneys -- Our PAI program is entirely pro bono. No participant receives direct payments other than reimbursement for out-of-pocket costs. Thus this provision is inapplicable.

1614.2(b). Joint Ventures -- There are no joint ventures as defined.

1614.2(c). Involvement of Governing Body -- The Pro Bono Committee of our Board of Directors works primarily with the Executive Director. It reviews our PAI plan, assists with recruiting drives, solves problems such as low participation rates in certain counties, and supports our relations with local Bar Associations.

1614.3(c). Factors Taken Into Account -- With respect to the factors itemized in this section, our private attorney involvement takes them into account as follows:

(1) Program priorities -- Our priorities include delivery of legal services, including continued development of our various PAI projects. Our PAI referrals are within LASNNY priorities and provide additional representation for cases and matters that are referable.

(2) Effective and economical delivery of legal assistance -- This is accomplished by (a) using our intake system to screen for potential PAI cases, (b) having referrals made by PAI staff who know the cases and the panelists, (c) matching cases to be referred with the expertise and interests of PAI attorneys, (d) training PAI attorneys, (e) providing other support services to our panelists (see part H), (f) maintaining a quality control system that provides periodic case updates (see part G), (g) removal from the panel of attorneys who are unresponsive (see part I), and (h) using cost-effective delivery methods such as pro se clinics.

We tailor our pro bono efforts to individual counties to best promote local pro bono participation.

(3) Linguistic and cultural barriers -- We maintain an aggressive recruitment program seeking, among others, African-American, Hispanic and female attorneys, lawyers from rural areas, and lawyers from all geographic parts of our service area. We have developed a list of Spanish and other translators and subscribe to Language Line. When necessary we help our PAI volunteers to obtain the services of an interpreter.

(4) Conflicts of Interest -- Initially, a LASNNY conflict check is automatically performed when the intake is taken. Cases are not referred by a rotation system or other rote method. Instead there is a customized placement involving a discussion between our PAI Paralegal and the PAI attorney in which the nature of the case and, upon tentative acceptance, the identity of the parties are disclosed. Similarly in the pro bono divorce project, conflicts are brought to the attention of the assigning judge, bar liaison or LASNNY PBDP staff. The PAI or PBDP attorney thus has the before-the-fact opportunity to identify an actual or potential conflict of interest so that LASNNY can refer the matter to someone else, or obtain new assigned or voluntary divorce counsel.

We also refer conflicts cases (screened only for financial eligibility) to PAI panelists. The impetus of the PAI Conflicts policy is the belief that even where LASNNY might have a conflict, the conflicted client should also have the opportunity for a PAI consultation. In Saratoga County, we work with the local bar association to place a conflict case. Of course, this policy does not apply to batterers as, given our limited resources and grants received to represent victims of domestic violence, we do not accept domestic relations matters on behalf of batterers.

(5) Expertise, skills and willingness to undertake unique or new areas of law -- The expertise and skills of the PAI panelists are maximized by the matching process whereby we place cases, as described in parts B and E. Assignments under the PBDP's Assigned Counsel Program are made to attorneys who have filed matrimonials in the past.

1614.3(d). Intake, Case Acceptance and Assignment, and Case Oversight -- See the discussion in parts B, D, E and materials referred to therein regarding intake, case acceptance and case assignment for the PAI referral program. For a discussion of access of PAI lawyers to LASNNY resources, see part H. Case oversight procedures (see 1614.3(d)(3)) are addressed generally in parts F and G. Specifically, for PAI referral program cases:

- (1) A case file is maintained on each referral;
- (2) A personal conversation is held with the attorney to whom the case is referred to describe the nature of the case and assure that attorney is the best one to place the case with;
- (3) Periodic PBCU forms are sent to the PAI attorney to inquire as to the status of the case;
- (4) A case closing or final disposition/affirmation form is completed by the attorney to describe the services performed, the result and the time spent;
- (5) A client satisfaction questionnaire is sent to each client when the case is over to ascertain his/her opinion about the services received; and

(6) As appropriate, feedback is given to the attorney when problems are raised or special satisfaction is expressed.

For Pro Bono Divorce Project cases:

(1) A case file is maintained on each referral.

(2) The client's individual financial and substantive issues are screened and the case is processed as appropriate (the Assigned Counsel Program, a voluntary placement through a bar association, a PAI referral or a pro se clinic).

(3) LASNNY tracks the status of ACP cases pending at the court, and follows up when appropriate.

(4) Clients with complaints about their assigned counsel are encouraged to discuss their concerns directly with their attorney or, as necessary, are referred to other complaint resources.

(5) ACP attorneys who desire relief from their assignment (for a conflict or workload issue) are asked to contact the Court directly. LASNNY assists with relief or reassignment only as appropriate.

(6) ACP and pro se divorce clinic clients will receive client satisfaction questionnaires when their case is closed by LASNNY to ascertain their opinion about the assigned counsel or clinic services.

1614.3(e). Financial Systems and Procedures -- LASNNY's accounting system separately allocates and accounts for PAI expenditures as they are incurred. At year's end all expenses are reviewed and allocation adjustments are made as necessary. The auditors review annually all PAI expenses, and the audited financial statements show non-personnel PAI expenditures separately.

The system that LASNNY uses for the allocation of costs to private attorney involvement is based on the following policies:

1. Allocation of cost of staff time -- At this time, the staff carrying out PAI activities are the Executive Director, the Deputy Directors, the PAI Paralegals (including part time and full time Paralegals), some supervising attorneys, and paralegals and legal support staff on specific projects. The hours spent are then used to determine the pro rata share of annual salary and fringe benefits attributable to PAI by our staff.

2. Allocation of non-personnel and indirect costs -- These are allocated as follows:

(a) Non-personnel costs intended solely for the PAI program are charged in their entirety to PAI.

(b) Non-personnel costs that are wholly unrelated to PAI are not charged at all to PAI. E.g., training LASNNY legal staff in the law of cases they will be handling; and

(c) For the remaining non-personnel costs, allocate to PAI a reasonable percentage of those costs based on PAI staff's actual hours.

1614.5. Revolving Litigation Fund -- LASNNY does not have a revolving litigation fund to pay attorney

fees. Our PAI program is entirely pro bono. Part of our PAI budget is allocated for reimbursement to PAI panelists of their out-of-pocket litigation costs.

The requirement that our PAI plan assure that any fees paid to private attorneys will not exceed 50% of the prevailing market rate is not applicable because LASNNY pays no fees.

In the referral of bankruptcy cases from the Canton and Plattsburgh offices, filing fees are paid by the LASNNY client and disbursed through a disbursement account. This process facilitates referrals of bankruptcies in this part of the service area.

Q. Other Matters:

1. Difference in Plans -- The 2007 Plan reflects slight changes in PAI operations. For example, the recruitment with our local Administrative Judges, and the opportunity for pro bono matrimonial attorneys to bill the Court for a portion of their work (custody matters) are new developments. The Ask-A-Lawyer Clinic in Saratoga Springs is also new this year.

2. Subgrants -- We make no subgrants.

3. Client Surveys -- The Client Satisfaction Questionnaires are sent to PAI clients when their case is closed.

4. Training -- Most years LASNNY conducts a training program free for PAI members and recruits in an area of law relevant to poor people and conducive to the private practice of law. In 2007, as a member of the DVLTC, we will co-sponsor a series of approximately three training events and recruitment efforts for PAI attorneys who will represent victims of domestic violence. These will be CLE accredited events. In 2007, with funding from the New York Office for the Prevention of Domestic Violence, we will again offer a unique Family Law Trial Skills training available to some pro bono volunteers. We will also offer our "Best Practices in Matrimonial Proceedings" as described above. We also expect to offer a bankruptcy training this Fall.

5. Other Significant Plans -- We continue to work with the New York State Bar Association's Pro Bono Coordinators' Network on outreach to local members of the New York State Bar Association Sections interested in reviving pro bono efforts. We will also participate in other local pro bono initiatives in our judicial districts.